

347—130.4(89B) Burden of proof and criteria.

130.4(1) *Trade secrets.* The employer-applicant shall have the burden of proof in showing that the information claimed exempted qualifies as a trade secret.

a. At the discretion of the commissioner, official notice may be taken that similar information of the employer-applicant has been deemed a trade secret for the purpose of rule 347—110.6(88,89B) and the commissioner may summarily grant the exemption based on the official notice.

b. The criteria for determining a trade secret under this rule shall be identical to that under rule 347—110.6(88,89B).

130.4(2) *Relevance of public health and safety/damage to employer.* The employer-applicant shall have the burden of proof in showing that the information is not relevant to public health and safety or that the release of the information would damage the employer. Notification in writing by the employer is not, in and of itself, sufficient to allow the employer to obtain the exemption.